

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

SUSIE BRADSHAW, by and through  
Magnolia Mays, Next Friend, for the  
use and benefit of Susie Bradshaw,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:04CV322-P-A

MARINER HEALTH CARE, INC., ET AL.,

DEFENDANTS.

ORDER OF REMAND

This matter comes before the court upon Plaintiff's Motion to Remand [16-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

The defendants conceded the plaintiff's motion to remand in their Supplemental Response to the Plaintiff's Motion to Remand given the decision in *Gray v. Beverly Enterprises-Mississippi, Inc.*, 390 F.3d 400 (5<sup>th</sup> Cir. 2004) and the concession that the non-diverse defendant Peggie A. Mingie was indeed served notice pursuant to Mississippi Code Annotated § 15-1-36(15).

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

- (1) Plaintiff's Motion to Remand [16-1] is **GRANTED**; therefore,
- (2) This case is **REMANDED** to the Circuit Court of Bolivar County, Mississippi from whence it came.

**SO ORDERED** this the 26<sup>th</sup> day of May, A.D., 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE